

A U S T I N C I T Y C O U N C I L

# AGENDA



Thursday, May 18, 2006

*Item # 27*

Back

## Watershed Protection and Development Review RECOMMENDATION FOR COUNCIL ACTION

**Subject:** Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a single family residence at 2408 Bridle Path.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

<b>Additional Backup Material</b>
(click to open)
<input type="checkbox"/> <a href="#">Staff report and backup information</a>
<input type="checkbox"/> <a href="#">Additional backup information</a>
<input type="checkbox"/> <a href="#">Ordinance</a>

**For More Information:** Sylvia Benavidez, 974-2522; Jol Harden, 974-3345

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974. Part 5 Section (D) (5) of Ordinance 20060309-058 prescribes minimum and maximum front yard setbacks for a lot on a block face on which four or more lots are developed for a use described in Subsection (B):

- a) the lot with the principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
- b) the minimum front yard setback is equal to the average of the minimum front yard setbacks of the principals structures on the remaining lots minus ten percent of the distance of that average; and
- c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.

This ordinance includes a provision which allows City Council to waive the development limitations if the Council determines that the development regulations impose an undue hardship on the applicant, the development proposed by the applicant will not adversely affect public health, safety and welfare, and waiving the regulations will not have a substantially adverse impact on neighboring properties.

Applicant Mr. Kenneth Pfluger is requesting a waiver from Ordinance No. 20060309-058 in order to construct a single family residence at 2408 Bridle Path based on a front setback of 40 ft. The average of front set-backs on the block face is 76 ft. The two story structure will have 3913

square feet of gross floor area. The proposed development complies with the floor to area ratio and square footage limitations under Ordinance No. 20060309-058. The proposed development would also comply with all other zoning regulations, including building and impervious cover limitations as well as height requirements.

Staff recommends approval of the waiver request based on the information that the applicant has provided.

**WAIVER REQUEST STAFF REPORT**

**PERMIT NUMBER:** BP-06-3752R

**COUNCIL DATE:** May 18, 2006

**APPLICATION DATE:** April 18, 2006

**OWNER:** Kenneth Pfluger

**ADDRESS:** 2408 Bridle Path

**BACKGROUND**

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974.

**APPLICATION**

On April 18, 2006, the applicant submitted an application for a waiver from Part 5 Section (D) (5) of Ordinance 20060309-058 that prescribes minimum and maximum front yard setback:

- (a) the lot with the principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
- (b) the minimum front yard setback is equal to the average of the minimum front yard setbacks of the principals structures on the remaining lots minus ten percent of the distance of that average; and
- (c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.

**SETBACKS**

The proposed development requires the applicant to request a Council Waiver because it creates a structure that does not comply with the setback limitations set forth in Part 5(D) (5) of the ordinance:

**Existing Setbacks of Lots running north from 13<sup>th</sup> St.**

1600	Forrest Trail	28 s.f.
2108	Bridle Path	80 s.f.
2200	Bridle Path	75 s.f.
2202	Bridle Path	80 s.f.
2204	Bridle Path	80 s.f.
2300	Bridle Path	70 s.f.
2308	Bridle Path	80 s.f.
2312	Bridle Path	-

2316	Bridle Path	75 s.f.
2400	Bridle Path	75 s.f.
2402	Bridle Path	75 s.f.
2404	Bridle Path	75 s.f.
2406	Bridle Path	75 s.f.
2408	Bridle Path	75 s.f.
2410	Bridle Path	--
2500	Bridle Path	55 s.f.
2502	Bridle Path	55 s.f.
0504	Bridle Path	115 s.f.
2506	Bridle Path	100 s.f.
2508	Bridle Path	85 s.f.
2600	Bridle Path	87 s.f.
2602	Bridle Path	83 s.f.
2604	Bridle Path	80 s.f.
2606	Bridle Path	70 s.f.
2608	Bridle Path	70 s.f.
2610	Bridle Path	75 s.f.
2700	Bridle Path	75 s.f.

**SETBACK CALCULATIONS**

Under Part 5, Section D (5) of Ordinance 20060309-058, the setback for the proposed single family residence is figured thusly:

(a) 28 s.f. and 115 s.f. are disregarded because they are the structures closest and farthest from the street.

(b)  $1750/23 = 76$

76 s.f. is the average of the structures remaining minus 7.6 (10%) allows for a minimum front setback of 68.4 s.f.

(c)  $1750/23 = 76$

76 s.f. is the average of the structures remaining plus 7.6 (10%) allows for a maximum front setback of 83.6 s.f.

**DEVELOPMENT REGULATIONS**

The proposed new single family residence requires the applicant to request a Council Waiver because it creates a structure that encroaches into the minimum front setback set forth in Part 5 Section D(5) of Ordinance 20060309-58. The applicant request a front setback of 40 s.f. and the minimum front setback from the ordinance is 68.4 s.f.

The proposed development does not require the applicant to request a Council Waiver from Part 4(C) of the ordinance because it complies with the greater of three size limitations:

(a) 0.4 to 1 FAR would allow 6280 s.f.

- Proposed structure complies with 3913 s.f. on 15700 s.f. lot, which equates to a 0.249 FAR
- (b) Proposed structure will exceed 2,500 s.f. by 1413 s.f.
- (c) An application for a demolition permit has been filed with the Historic Preservation Office to demolish two structures totaling 2345 s.f. structure
  - Ordinance allows for 20 percent increase over previous structure size
  - 1735 s.f. (home) + 347 s.f. (20 percent) = 2082 s.f. maximum size allowed
  - Proposed 3913 s.f. - 2082 s.f. = 1831 s.f. over maximum allowed
  - 610 s.f. (two-family res.) + 122 s.f. (20 percent) = 732 s.f. maximum size allowed
  - Proposed 3913 s.f. - 732 s.f. = 3181 s.f. over maximum allowed
  - (Combined) 2345 s.f. + 469 s.f. (20 percent) = 2814 s.f. maximum size allowed
  - Proposed 3913 s.f. - 2814 s.f. = 1099 s.f. over maximum allowed

### **PROPOSED DEVELOPMENT**

Applicant proposes the following construction:

- Applicant requests a front setback of 40 s.f.
- Construct a new 3913 s.f. single family residence at 2408 Bridle Path.
- Demolish structures of, respectively, 1735 s.f. (home) and 610 s.f. (two family residential) (demo application filed concurrently with waiver application).

Applicant proposes additional construction:

- 1754 s.f. 1<sup>st</sup> floor covered porch
- 254 s.f. 1<sup>st</sup> floor screened porch
- 930 s.f. attached garages
- 786 s.f. driveway area

### **ZONING**

- This lot is currently zoned Single Family Residential (SF-3)
- It lies within the West Austin Neighborhood Group and the Austin Neighborhoods Council.

### **WAIVER**

The applicant requests the waiver under Part 6, Section A (1) on the following grounds:

- The regulations imposes undue hardship on the applicant, the development proposed by the applicant will not adversely affect the public health, safety and welfare and waiving the regulation will not have a substantially adverse impact on neighboring properties.

### **STAFF ASSESSMENT**

The information submitted with the applicant's waiver application can be summarized as follows:

- Information was provided indicating undue financial hardship.
- Photos from the neighborhood submitted as evidence of compatibility with existing structures.

### **STAFF RECOMMENDATION: APPROVAL**

Staff recommends approval of the waiver request based on the information that the applicant has submitted.

CITY OF AUSTIN  
REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS  
UNDER ORDINANCE NUMBER 2060216-043

STREET ADDRESS: 2409 BRIDLE PATH  
LEGAL DESCRIPTION: Subdivision WESTFIELD A CENTER 75' LOT 6 BLK 15  
Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_  
Zoning District: SF 3 Neighborhood Plan (if applicable): N/A

Type of work to be done (Select appropriate option and provide description of the proposed project):  
 New Construction: NEW RESIDENCE  
Addition: \_\_\_\_\_

Please select one of the following:

1. I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below: SEE ATTACHED

If you select Option 1, you must select one of the following:

The granting of this waiver will not adversely affect the public health, safety and welfare.

Explain: SEE ATTACHED

-or-

I am proposing to mitigate the effect of the redevelopment by providing adequate safeguards which will adequately protect the health, safety and welfare of the public.

Explain: \_\_\_\_\_

2. The following development agreement permits the activity: \_\_\_\_\_

3. I have acquired a right under Texas Local Government Chapter 245 (Issuance of Local Permits), or have a common law vested right that has been fully adjudicated by a court of competent jurisdiction. Please specify and provide supporting documentation: \_\_\_\_\_

4. I am providing appropriate drainage facilities. Explain: \_\_\_\_\_

ALL APPLICATIONS MUST BE ACCOMPANIED BY A RESIDENTIAL PERMIT APPLICATION

Signature of applicant/ owner: [Signature]

Note: The waiver application will be considered incomplete if the applicant fails to provide information requested in this application. Please attach any additional information that will support your request, such as: photos, architectural drawings, letters of support from neighbors or additional documentation.

FOR STAFF USE

Date waiver application filed with City of Austin: \_\_\_\_\_

Date scheduled for City Council action: \_\_\_\_\_

## Waiver Application

This waiver request is for front setback only. Proposed is a setback of approximately 40 feet for a carport or garage. The average setback on the block face in question is approximately 76 feet. The supporting data for determination of the setback is attached. The proposed residence is projected to have approximately 3800 square feet, possibly fewer. There is no need for a waiver on the size criterion as the residence is well below the "McMansion" criterion of .4 FAR. It should be noted that those conditioned, living areas of the house will be near or at the average setback of 70 feet.

### 1. Request for waiver question.

A. Since late 2004, well over a year ago, we have been engaged in planning for a major renovation of our existing house or a new house on the same site. We contracted with FAB Architecture of Austin to undertake the work and to this date we have paid FAB about \$20,000. (Copies of invoices are attached). After evaluating options for renovation it became evident that it would best serve our needs to remove the existing house from the site and use new construction only. We have now developed a schematic plan from which buildable plans will be drawn. That plan was based on existing zoning requirements and was fully compliant with those requirements. When the first ordinance on development regulations went into effect we were still in compliance. Our FAR of .24 was and is well below the .4 FAR required by ordinance (based on our projected 3800 square feet). When the setback requirement was added we found our plan to no longer be in compliance regarding setbacks due to the placement of a carport at a setback of about 40 feet from the property line (existing SF-3 zoning requires a 25 foot setback). We are requesting a hardship waiver of the front setback based on the considerable expenditure of energy, time and money spent in developing our existing plans and the intangible hardship of what would be more than a wasted year of planning.

B. Further we face an undue hardship due to the presence of an underground drainage easement that occupies a significant area in the rear of the lot (see attached survey). Building on the easement is not allowed and that has resulted in a design that of necessity places the carport to the front of the lot about 40 feet from the property line (current planning is for a carport but a garage may be built).

C. Further we would face an undue hardship regarding siting of the residence relative to the location of trees. Site selection has been designed to provide maximum protection to the existing tree coverage and will not require loss of any trees. Several siting plans that would affect trees were previously rejected due to their impact on the trees. This is not only our desire. City code also mandates that trees be protected. We regularly consult with a skilled arborist in order to maintain the trees in a prime condition. The advice of the arborist has been followed to the greatest extent possible in regard to the placement of the proposed structure on the lot. If a waiver is not granted it is likely that one or more significant trees may be lost and that additional damage to remaining trees may be experienced.

## NOTES ACCOMPANYING PHOTOS

Photo #1 is subject property on the north side of Bridle Path.

Photo #2 shows a carport at 40 feet from the ROW, the same distance as the requested waiver. This is on the north side of Bridle Path.

Photo #3 shows two of three homes on the south side of Bridle Path within 300 feet of subject property and all at 42 feet from the ROW.

Photo #4 shows home on the south side of Bridle Path within 300 feet of subject at 25 feet from ROW.

Photo #5 shows home on the south side of Bridle Path at 45 feet from ROW.

Photo #6 shows a carport about 25 feet from the ROW in the general neighborhood.

Photo #7 shows townhomes about 10 feet from the ROW within 300 feet of the subject.

It is notable that the "block face" for the subject property extends almost one half mile in length (2400 feet). The average setback over that length is 76 feet. Yet within the radius of the 300 feet (which is often used as an area of affected neighbors for notification purposes) there are fifteen residences that have setbacks that are significantly less than the calculated average of 76 feet. The point is that the "block face" does not adequately address the context of the neighborhood and that the requested waiver will not alter the context of the neighborhood.

D. In our architectural planning we have incorporated a significant number of features designed to be street and neighborhood friendly and to achieve a high standard of design. We have assiduously striven to avoid building a residence that could in any way be termed a "McMansion". Primary in this endeavor has been the projected square footage of 3800 square feet with an FAR of .24 when under the .4 FAR standard we could build 6300 square feet without a waiver. We have also specified to our architects that design features be included to insure "street friendliness". This has been incorporated into planning in the following ways: a landscaped front yard which already exists, a side facing carport an defined and enhanced entry area and porch, placing the two story portion of the house back from the street and along the driveway of the adjoining lot so as to avoid a "looming" effect (our lot is several feet lower than the next door house lessening the two floor effect even more); fenestration that relates the front of the house to the street, well considered selection of materials and careful consideration of the placement of the house relative to the existing trees. We intend to create a quality house design through our selection of award winning architects.

## **2. Public health, safety and welfare question.**

Public health, safety and welfare will not be adversely affected by this waiver.

Public health will be marginally improved due to the shorter distance between the street and the carport. This is because vehicles will need to be driven less to reach their parking area thus reducing air pollution. Admittedly this is a marginal difference but it serves to illustrate the fact that public health will not be adversely affected.

Safety will not be affected.

Welfare will also be unaffected.

No safeguards need be provided for protection of public health, safety or welfare.

## **3. Drainage question.**

We have addressed the question of drainage primarily by opting to build a residence of under 4000 square feet with a projected .24 FAR rather than the 6300 square feet that would be allowed without a waiver. We have lived on the site of the application for over ten years and have observed the flow of water present during intense rain storms. The carport referred to in the waiver is in a location that will neither impede nor increase water flow nor have an affect on neighboring properties. No drainage facilities are contemplated due to lack of need. An engineering analysis of water flow would be based on calculations and projections. Our analysis of drainage is based on actual on site observation.

This application for a waiver is being filed concurrently with a building permit and a demolition permit application as required by ordinance. It is based on architectural work that is incomplete and therefore exact dimensions and specifications are not provided. As more complete building plans are developed some modifications to the plot plan may be made but the setback will not be reduced below 40 feet.

# CITY OF AUSTIN RESIDENTIAL PERMIT APPLICATION

BP Number <u>BP-06-3752R</u>
Building Permit No. _____
Plat No. _____ Date <u>4/12/2006</u>
Reviewer <u>gll</u>

### PRIMARY PROJECT DATA

Service Address 2406 BRIDLE PATH Tax Parcel No. 01-1405-0627 000

Legal Description \_\_\_\_\_  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision CENTER 75' Section \_\_\_\_\_ Phase \_\_\_\_\_  
LOT 6 BLK 15, WESTFIELD A

If in a Planned Unit Development, provide Name and Case No. \_\_\_\_\_  
*(attach final approved copies of subdivision and site plan)*

*If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.*

Description of Work \_\_\_\_\_ Remodel (specify) \_\_\_\_\_

New Residence \_\_\_\_\_  
 Duplex \_\_\_\_\_ Addition (specify) \_\_\_\_\_  
 Garage  attached  detached \_\_\_\_\_  
 Carport  attached  detached \_\_\_\_\_  
 Pool \_\_\_\_\_ Other (specify) \_\_\_\_\_

Zoning (e.g. SF-1, SF-2...) SF-3 Height of building 25 ft. # of floors 2

On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval. (LDC 25-2-551(B)(6))

Does this site have a Board of Adjustment ruling?  Yes  No If yes, attach the B.O.A. documentation

Will this development require a cut and fill in excess of 4 feet?  Yes  No

Does this site front a paved street?  Yes  No A paved alley?  Yes  No

#### VALUATIONS FOR REMODELS ONLY

Building	\$ _____
Electrical	\$ _____
Mechanical	\$ _____
Plumbing	\$ _____
Driveway & Sidewalk	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>
<small>(labor and materials)</small>	

#### DATA FOR NEW CONSTRUCTION OR ADDITIONS ONLY

Lot Size	<u>15700</u> sq. ft.
Job Valuation	<u>\$450,000</u>
<small>(Labor and materials)</small>	
Total Job Valuation (remodels and additions)	\$ _____
<small>(Labor and materials)</small>	

#### PERMIT FEES (For office use only)

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>	<b>\$ _____</b>

#### OWNER / BUILDER INFORMATION

OWNER	Name <u>KENNETH PFLUGER + KAY PLANTING</u>	Telephone (h) <u>473-2827</u>
		(w) <u>SAME</u>
BUILDER	Company Name <u>N/A</u>	Telephone _____
	Contact/Applicant's Name <u>AS ABOVE</u>	Pager _____
DRIVEWAY /SIDEWALK	Contractor <u>N/A</u>	FAX <u>473 5423</u>
		Telephone _____
CERTIFICATE OF OCCUPANCY	Name _____	Telephone _____
	Address _____	City _____ ST _____ ZIP _____

If you would like to be notified when your application is approved, please select the method:  
 telephone  e-mail:  KMP@POBOX.COM

You may check the status of this application at [www.ci.austin.tx.us/development/pierivr.htm](http://www.ci.austin.tx.us/development/pierivr.htm)

Service Address 2406 BRIDLE PATH AUSTIN TX 78703

Applicant's Signature [Signature] Date APR 12, 2006

**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 <sup>st</sup> floor conditioned area	_____	sq. ft.	<u>2642</u>	sq. ft.
b. 2 <sup>nd</sup> floor conditioned area	_____	sq. ft.	<u>1271</u>	sq. ft.
c. 3 <sup>rd</sup> floor conditioned area	_____	sq. ft.	<u>N/A</u>	sq. ft.
d. Basement	_____	sq. ft.	<u>N/A</u>	sq. ft.
e. Garage / Carport				
<input checked="" type="checkbox"/> attached	_____	sq. ft.	<u>930</u>	sq. ft.
<input type="checkbox"/> detached	_____	sq. ft.	<u>N/A</u>	sq. ft.
f. Wood decks [must be counted at 100%]	_____	sq. ft.	<u>N/A</u>	sq. ft.
g. Breezeways	_____	sq. ft.	<u>N/A</u>	sq. ft.
h. Covered patios	_____	sq. ft.	<u>N/A</u>	sq. ft.
i. Covered porches	_____	sq. ft.	<u>1754</u>	sq. ft.
j. Balconies	_____	sq. ft.	<u>N/A</u>	sq. ft.
k. Swimming pool(s) [pool surface area(s)]	_____	sq. ft.	<u>514</u>	sq. ft.
l. Other building or covered area(s)	_____	sq. ft.	<u>254</u>	sq. ft.
Specify <u>SCREENED PORCH</u>				
<b>TOTAL BUILDING AREA (add a. through l.)</b>	_____	sq. ft.	<u>6651</u>	sq. ft.

<b>TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)</b>	<u>5066</u>	sq. ft.
	<u>32</u>	% of lot

**IMPERVIOUS COVERAGE**

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>5066</u>	sq. ft.
b. Driveway area on private property	<u>766</u>	sq. ft.
c. Sidewalk / walkways on private property	<u>102</u>	sq. ft.
d. Uncovered patios	_____	sq. ft.
e. Uncovered wood decks [may be counted at 50%]	_____	sq. ft.
f. Air conditioner pads	<u>24</u>	sq. ft.
g. Concrete decks	_____	sq. ft.
h. Other (specify) _____	_____	sq. ft.

<b>TOTAL IMPERVIOUS COVERAGE (add a. through h.)</b>	<u>5978</u>	sq. ft.
	<u>38</u>	% of lot



Kramer Service Center  
 2412 Kramer Lane, Bldg. "C"  
 Austin, Texas 78758  
 (512) 505-7206

**Austin Energy**  
**Electric Service Planning Application (ESPA)**  
 (Please Print or Type)

St. Elmo Service Center  
 4411-B Meinardus Drive  
 Austin, Texas 78744  
 (512) 505-7500

***For Residential or Small Commercial "SERVICE ONLY" under 350 amps 1Ø or 225 amps 3Ø***

Customer Name KENNETH PFUGER Phone 473-2827  
 Address 2408 BRIDLE PATH AUSTIN 76703  
 Legal Description CENTER 75' LOT 6 BLK 15 WESTFIELD A  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Commercial/Residential? RES.

Service Main Size \_\_\_\_\_ (amps) Service Conductor \_\_\_\_\_ (type & size)  
 Service Length \_\_\_\_\_ (ft.) Number of Meters? \_\_\_\_\_ Multi-Fuel Y N  
Overhead/Underground? \_\_\_\_\_ Voltage \_\_\_\_\_  Single-phase (1Ø)  Three-phase (3Ø)  
 Total Square Footage \_\_\_\_\_ Total A/C Load \_\_\_\_\_ (# of units) \_\_\_\_\_ (Tons)  
 Largest A/C unit \_\_\_\_\_ (Tons) LRA of Largest A/C Unit \_\_\_\_\_ (amps)  
 Electric Heating \_\_\_\_\_ (kW) Other \_\_\_\_\_ (kW)

Comments: New Service / Electrician to pull permit

ESPA Completed by (Signature & Print name) \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_

AE Representative \_\_\_\_\_ Date \_\_\_\_\_

Approved:  Yes  No (Remarks on back) Phone 974-2632

**Application expires 90 days after date of Approval**

**AE APPROVED**  
 APR 11 2006  
 RLS 101-44



City of Austin  
Watershed Protections & Development Review

LAND STATUS DETERMINATION  
1987 RULE PLATTING EXCEPTION

08/26/2005

File Number: C8I-05-0315

Address: 2408 BRIDLE PATH

Tax Parcel ID: 0114050627

Map Date: 06/23/2004

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being a portion of Lot 6, Block 15, Westfield "A" Subdivision in the current deed, recorded on 11/17/1995, in Volume 12567, Page 1088, Travis County Deed Records. This parcel existed in its current configuration on August 31, 1987, as evidenced by a deed recorded on 01/07/1959, in Volume 1995, Page 227, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on August 31, 1987, as evidenced by water service on 03/25/1949. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Hector Avila

HECTOR AVILA

Director (or representative)  
Watershed Protections & Development Review



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**DECLARATION OF EASEMENTS AND RESTRICTIONS**

Date: APRIL 12 20 06

Owner: KENNETH PFLOSER + KAY PLANTING

Owner's  
Mailing Address: 2408 BRIDLE PATH AUSTIN 78703

Property: 2408 / 2410 BRIDLE PATH

Tract One: CENTER 75' OF LOT 6 BLK 15 WESTFIELD A

Tract Two: WEST 15' OF LOT 6 BLK 15 WESTFIELD A

Owner hereby declares that the Property shall be held, sold, and conveyed subject to the following easements and restrictions for the purpose of assuring access to and from the Property for pedestrian and vehicular traffic.

**DEFINITIONS**

- 1.01 : "Owner" or "Owners" shall refer to the record owner, whether one or more persons or entities, his, her or its heirs, successors and assigns, of any right, title, or interest in or to the Property or any part thereof.
- 1.02 : "Tract" or "Tracts" shall refer to the real property, or a part of the real property, defined as "Property."

**RESERVATION OF EASEMENTS**

- 2.01 : The area contained in the easements more particularly described in the map attached hereto as Exhibit(s) A is hereby reserved for the nonexclusive right to ingress and egress for: (1) both TRACTS to and from the adjacent public right-of-way by vehicular and pedestrian traffic and (2) each TRACT to the other TRACT by vehicular and pedestrian traffic; across the common boundary line separating TRACT ONE and TRACT TWO and within TRACT ONE and TRACT TWO.

- 2.02 :** Any change of any aspect of a TRACT will not interfere with the free access of pedestrian or vehicular traffic to or from the adjacent public right-of-way or between the two TRACTS. Each Owner shall have the duty to maintain their respective property contained within the easement described in this Declaration in such a manner as to effectuate the Intent of this Declaration.
- 2.03 :** This Declaration is not a conveyance of an interest in real property to the public or any governmental body.

### **ENFORCEMENT**

- 3.01 :** Any Owner or the City of Austin shall have the right to enforce, by any proceeding at law or in equity, including specific performance, the easements and restrictions imposed by this Declaration. Failure to enforce any easement or restriction created in this Declaration shall in no event be deemed a waiver of the right to do so thereafter.

### **MODIFICATION OR TERMINATION**

- 4.01 :** This Declaration may be modified, amended, or terminated only by the joint action of both (a) the Director of the Watershed Protection and Development Review Department of the City of Austin, or such other department as may succeed the Watershed Protection and Development Review Department, and (b) all of the Owners of the Property at the time of such modification, amendment, or termination. Such joint action shall only become effective after it has been reduced to writing, signed by the Director of the Watershed Protection and Development Review Department of the City of Austin or its successor department and filed with the Office of the County Real Property Records.

### **CONFORMITY WITH ALL APPLICABLE LAWS**

- 5.01 :** Nothing in this Declaration shall be construed as requiring or permitting any person or entity to perform any act or omission in violation of any local, state or federal law, regulation or requirement in effect at the time the act or omission would occur. Provisions in this agreement which may require or permit such a violation shall yield to the law, regulation or requirement.

### **OBLIGATIONS TO RUN WITH THE LAND**

- 6.01 :** The obligations of Owner created in this agreement run with the land described as the "Property" defined above.

### **SEVERABILITY**

- 7.01 :** If any part of this Declaration or the application of this Declaration or set of circumstances is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this Declaration shall not be affected thereby. All provisions of this Declaration are, therefore, severable for the purpose of maintaining in full force and effect the remaining provisions of this Declaration.

Executed by Owner, this 12<sup>th</sup> day of April, 2006

BY: Kay Plating

STATE OF TEXAS  
COUNTY OF Texas

This instrument was sworn to, subscribed and acknowledged before me on this the 12 day of

April, 2006 by Kay Plating



[Signature]  
Notary Public in and for the State of Texas  
My Commission Expires: August 28, 2009

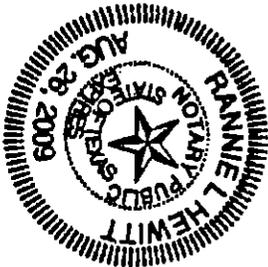
Executed by Owner, this 12<sup>th</sup> day of APRIL, 2006

BY: Kenneth Plugee

STATE OF TEXAS  
COUNTY OF Texas

This instrument was sworn to, subscribed and acknowledged before me on this the 12 day of

April, 2006 by Kenneth Plugee



[Signature]  
Notary Public in and for the State of Texas  
My Commission Expires: August 28, 2009

EXHIBIT A



DATE: April 7, 2006

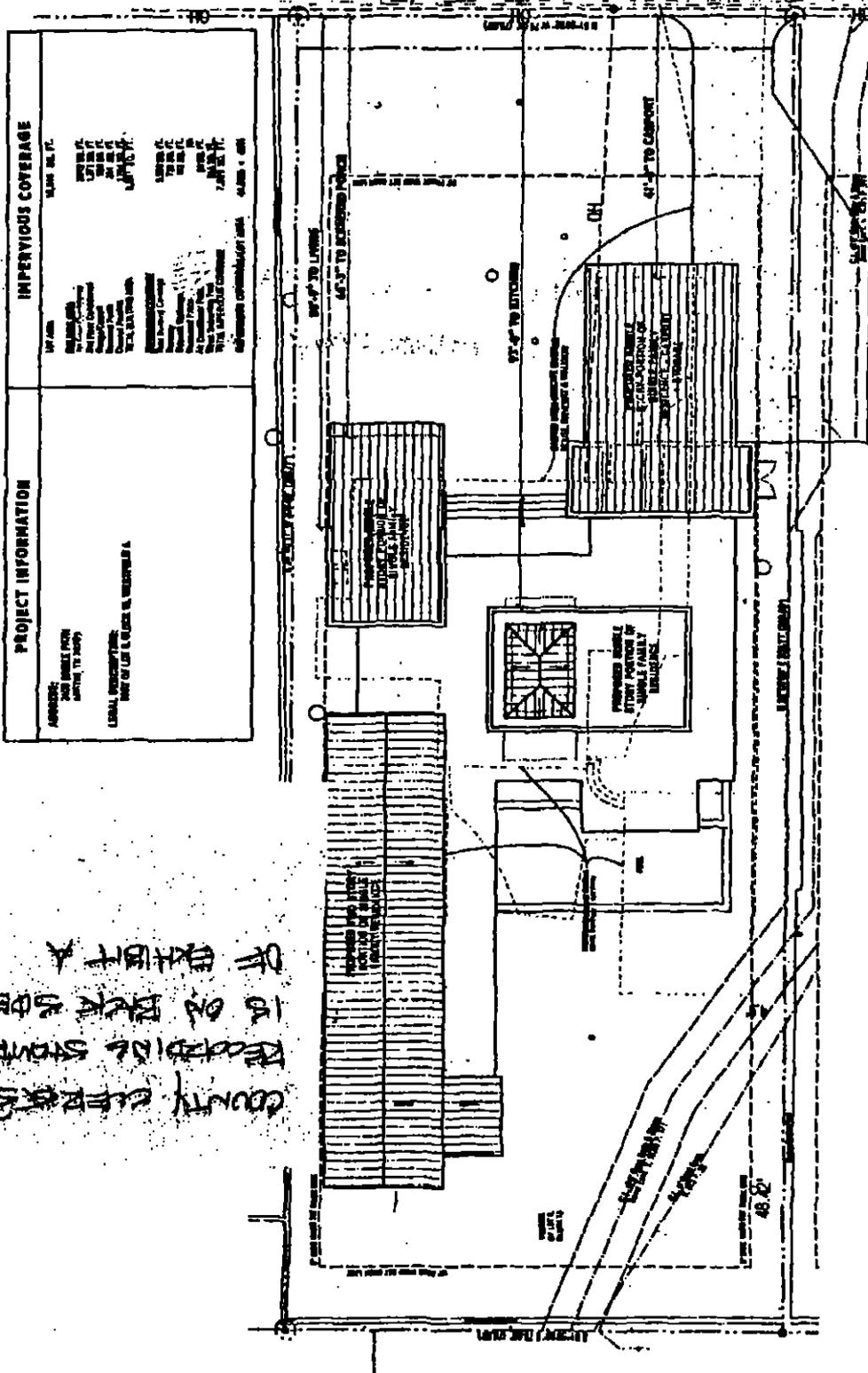
2408 Bridle Path  
Site Plan  
SCALE: 1" = 20'-0"

612-469-0778  
FAX: 469-0878  
402 JOSEPHINE  
AUSTIN, TEXAS  
78702  
FABARCHITECTURE.COM



CAUTION: DO NOT SCALE DRAWINGS

BRIDLE PATH



PROJECT INFORMATION	IMPERVIOUS COVERAGE
<p>APPROVED: [Signature]</p> <p>LEGAL DESCRIPTION: [Text]</p>	<p>PERMITS: [Text]</p> <p>PERCENTAGE: [Text]</p>

COUNTY CLERK'S RECORDING STAMP IS ON BACK SIDE OF EXHIBIT A

1 SITE + ROOF PLAN  
1" = 20'-0"

Return:

KENNETH PFUGER

2405 BRIDE PATH

ALSTON TEX 75703

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2008 Apr 12 10:43 AM 2006066716

RDNEYJ \$32.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS

\*\*\*\*\*  
\*\* CITY OF AUSTIN GIS QUERY REPORT  
-----  
\*\* Mon Apr 17 10:14:04 2006  
\*\*\*\*\*

AREA:  
40888.2 square feet

JURISDICTION:  
141--FULL PURPOSE

LAND STATUS:  
ID -- 20044 , CaseNum -- N/A , OrdNum -- N/A, Acres--27974.1  
Description--AUSTIN CITY LIMITS,  
Type--FULL, Date--nil  
ID -- 20559 , CaseNum -- , OrdNum -- , Acres--18581.4  
Description--FULL PURPOSE ON OR BEFORE 03/14/1946,  
Type--FULL, Date--19460314

WATERSHED:  
33--JOHNSON CREEK

FLOOD PLAIN:  
2147--

MUDS:

BCWO:  
Ddz--DEVELOP

WATER REGULATION:  
ID--2, Water Type--REG, Water Name--URBAN

NEIGHBORHOOD ASSOCIATION:  
88--West Austin Neighborhood Group  
511--Austin Neighborhoods Council  
742--Austin Independent School District

ZONING:  
1.93999e+006--SF-3

ZONING OVERLAYS:  
OVERLAY NAME -- SUB NAME  
CAPITOL VIEW CORRIDORS--CAPITOL OF TEXAS HIGHWAY

DEVELOPMENT AGREEMENTS:

-----  
The above information has been produced by  
City of Austin as a working report and is not  
warranted for any other use. No warranty is  
made by the City regarding its accuracy or  
completeness. Reproduction is not permitted  
without prior written permission from  
Watershed Protection & Development Review,  
City of Austin |

**SUPPLEMENTAL INFORMATION**  
**SUBMITTED BY APPLICANT**  
**APRIL 18, 2006**

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## NOTES ACCOMPANYING PHOTOS

Photo #1 is subject property on the north side of Bridle Path.

Photo #2 shows a carport at 40 feet from the ROW, the same distance as the requested waiver. This is on the north side of Bridle Path.

Photo #3 shows two of three homes on the south side of Bridle Path within 300 feet of subject property and all at 42 feet from the ROW.

Photo #4 shows home on the south side of Bridle Path within 300 feet of subject at 25 feet from ROW.

Photo #5 shows home on the south side of Bridle Path at 45 feet from ROW.

Photo #6 shows a carport about 25 feet from the ROW in the general neighborhood.

Photo #7 shows townhomes about 10 feet from the ROW within 300 feet of the subject.

It is notable that the "block face" for the subject property extends almost one half mile in length (2400 feet). The average setback over that length is 76 feet. Yet within the radius of the 300 feet (which is often used as an area of affected neighbors for notification purposes) there are fifteen residences that have setbacks that are significantly less than the calculated average of 76 feet. The point is that the "block face" does not adequately address the context of the neighborhood and that the requested waiver will not alter the context of the neighborhood.



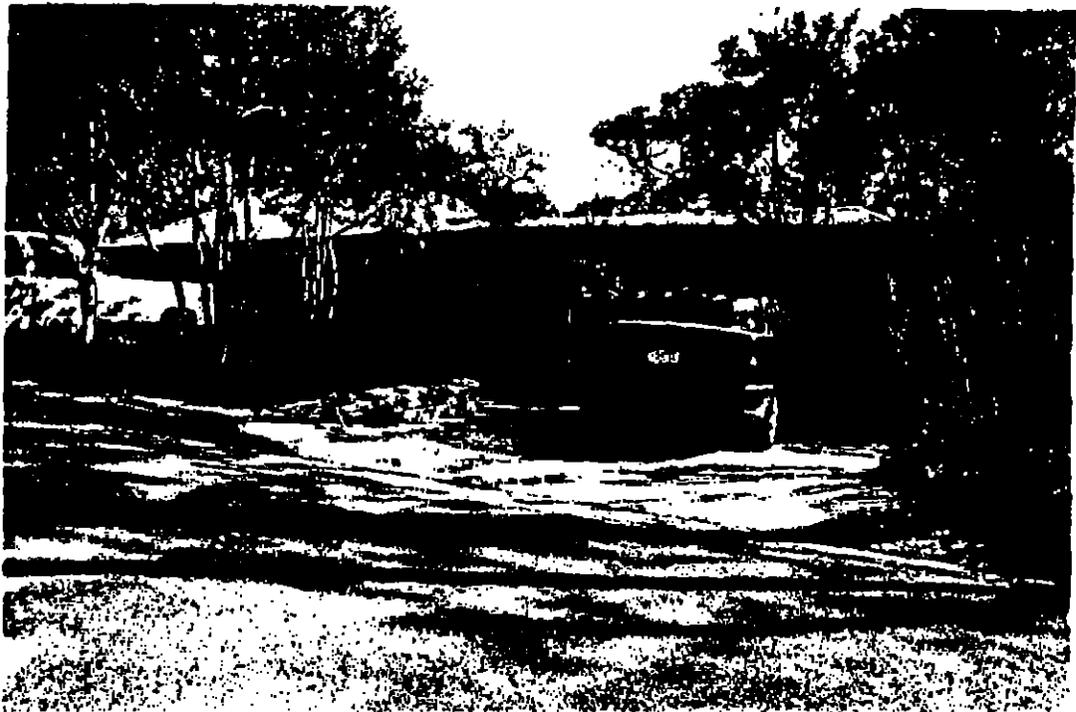
#1 2408 BRIDGE PATH  
SUBJECT PROPERTY



#2 2604 BRIDGE PATH  
320' FROM SUBJECT  
CARPET AT 40' FROM ROW



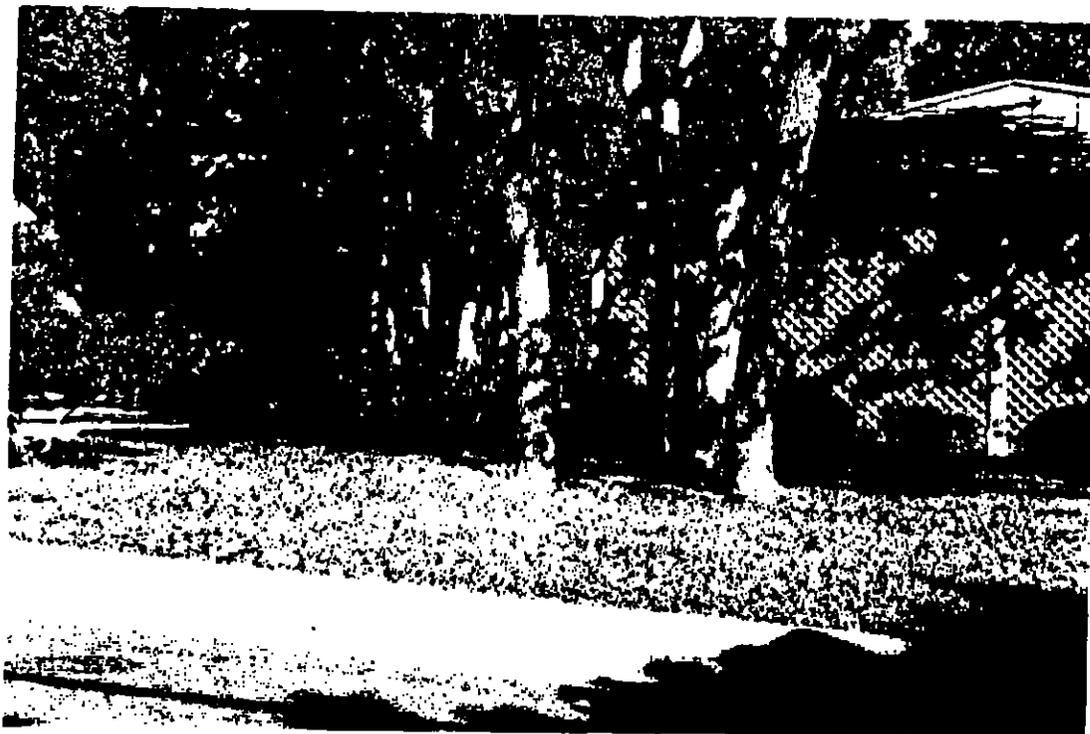
#3 2307, 2309, 2315 BRIDLE PATH  
3 HOMES 42' FROM ROW EACH  
BEGINNING AT 260' FROM SUBJECT



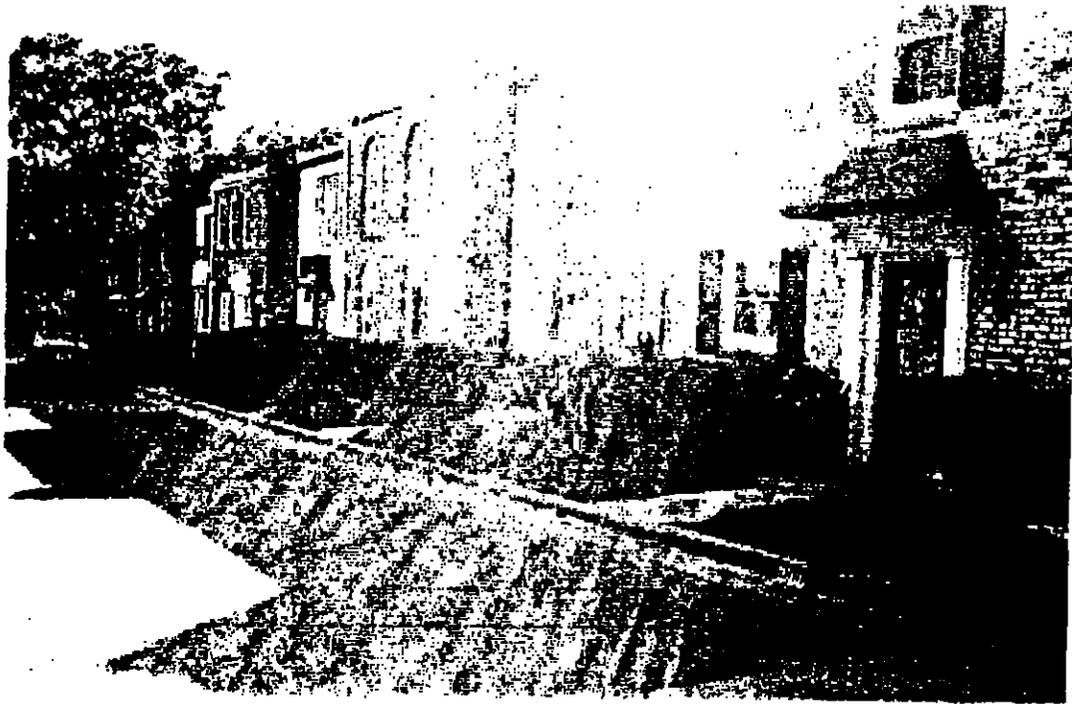
#4 2601 BRIDLE PATH  
HOME AT 25' FROM R.O.W.  
300' FROM SUBJECT



#5 2603 BRIDLE PATH  
HOME AT 45' FROM R.O.W.  
530' FROM SUBJECT



#6 1301 KENT LANE  
ILLUSTRATES CARRIOT AT  
APPROX 75' FE - FROM DR. 1



#7

TOWNHOMES AT  
1500 ELTON LANE  
10' FROM R.O.W.  
300' FROM SUBJECT

**TaxNetUSA: Travis County Property Information**

Property ID Number: 114168 Ref ID2 Number: 01140606270000

**Owner's Name PFLUGER KENNETH M & KAY M PLAN**

Mailing Address: KAY M PLANTING  
2408 BRIDLE PATH  
AUSTIN, TX 78703-3210

Location: 2408 BRIDLE PATH 78703

Legal: GEN 75 FT LOT 6 BLK 15 WESTFIELD A

**Property Details**

Deed Date: 11/04/85  
Deed Volume: 12587  
Deed Page: 01088  
Exemption: HS,  
Private Exempt: F  
APD Protest: F  
Agent Code: 8  
Land Area: 0.0000  
Block: 15  
Tract or Lot: 8  
Deed No.:  
Abstract Code: 878192  
Neighborhood Code: X7040

**Value Information**

2005 Certified  
Land Value: 343,000.00  
Improvement Value: 214,821.00  
AG Value: 0.00  
AG Productivity Value: 0.00  
Timber Value: 0.00  
Timber Productivity Value: 0.00  
Assessed Value: 457,821.00  
10% Cap Value: 0.00  
Total Value: 457,821.00

Date up to date as of 2005-04-03

APPOINTMENT OF AGENT FORM (TYP) (PDF)  
PROPERTY REPORT (TYP) (PDF)  
SALMONS REPORT FORM (TYP) (PDF)  
PLAN MAP (TYP) (PDF)

**Value By Jurisdiction**

Entity Code	Entity Name	2005 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST	0.00000	457,821.00	457,821.00	457,821.00	457,821.00
01	AUSTIN ISD	1.82300	457,821.00	442,821.00	457,821.00	457,821.00
02	CITY OF AUSTIN	0.44300	457,821.00	457,821.00	457,821.00	457,821.00
03	TRAVIS COUNTY	0.48300	457,821.00	386,087.00	457,821.00	457,821.00
2J	TRAVIS CO HOSPITAL DIST	0.077800	457,821.00	386,087.00	457,821.00	457,821.00
05	AUSTIN COMM COLL DIST	0.084100	457,821.00	452,821.00	457,821.00	457,821.00

**Improvement Information**

Improvement ID	State Category	Description
111885	A1	1 FAM DWELLING
111886	A1	1 FAM DWELLING

**Segment Information**

Seg ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
111885	117057	18T	1st Floor	WA	1940	1,748
111885	428354	011	PORCH OPEN 1ST F	.	1940	114
111885	428365	005	HVAC RESIDENTIAL	.	1940	1,748
111885	428386	281	BATHROOM	.	1940	1
111885	428387	122	FIREPLACE	.	1940	1
111885	428388	071	STORAGE DET	WW	1940	840
111885	428389	001	MASONRY TRIM SF	AWO	1940	178
111885	428370	012	TERRACE UNCOVERED	.	1940	400
111886	117058	18T	1st Floor	WW	1906	808
111886	428375	011	PORCH OPEN 1ST F	.	1906	44
111886	428376	005	HVAC RESIDENTIAL	.	1906	608
111886	428377	251	BATHROOM	.	1906	1
111886	2061789	012	DECK UNCOVERED	.	1906	830

Total Living Area: 2,386

**Land Information**

Land ID	Type Code	SPFB Code	Nonexcln	Min-Areas	Front	Depth	Side-Sett
112052	LMD	A1	T	0.000	0	0	0

**Certified Value History**

Year	Jur	Entity Name	Assessed Value	Transfer Value
2004				
2004	0A	TRAVIS CENTRAL APPRAISAL DISTRICT	420,516.00	420,516.00
2004	01	AUSTIN INDEPENDENT SCHOOL DISTRICT	420,516.00	420,516.00
2004	02	CITY OF AUSTIN	420,516.00	420,516.00
2004	03	TRAVIS COUNTY (440.045, SPEC RD & BRIDGE)	420,516.00	420,516.00
2004	3J	TRAVIS COUNTY HOSPITAL DISTRICT	420,516.00	420,516.00
2004	05	AUSTIN COMMUNITY COLLEGE DISTRICT	420,516.00	420,516.00
2003				
2003	0A		397,827.00	397,827.00
2003	01		397,827.00	397,827.00
2003	02		397,827.00	397,827.00
2003	03		397,827.00	397,827.00
2003	05		397,827.00	397,827.00
2002				
2002	0A		439,743.00	386,451.00
2002	01		439,743.00	351,451.00
2002	02		439,743.00	386,451.00
2002	03		439,743.00	383,161.00
2002	05		439,743.00	351,451.00
2001				
2001	0A		439,743.00	353,136.00
2001	01		439,743.00	348,136.00
2001	02		439,743.00	353,136.00
2001	03		439,743.00	385,510.00
2001	05		439,743.00	385,136.00
2000				
2000	01		489,898.00	387,833.00
2000	02		489,898.00	302,833.00
2000	03		489,898.00	342,382.00
2000	05		489,898.00	387,833.00

**RECEIPTS SUBMITTED BY APPLICANT  
AS OF APRIL 18, 2006**

#1562 1/12/05  
\$2434.25  
2404



402 JOSEPHIN  
AUSTIN, TEXA  
7 8 7 0

512-469-077  
FAX 469-057

10 January 2005

Kenneth Pfluger and Kay Planting  
8408 Bridle Path  
Austin, Texas 78703

**INVOICE FOR DESIGN SERVICES - DECEMBER 2004**

Design Services: Client Meetings, Measure Existing Structure, As Built Drawings,  
Preliminary Design and Research.

12.50 hrs @ \$90.00	\$ 1,125.00
<u>19.75 hrs @ \$65.00</u>	<u>1,283.75</u>
	\$ 2,408.75

**EXPENSES**

Photo's	12.25
<u>Prints + Copies</u>	<u>13.25</u>

\$ 25.50

**Total Amount Due**

**\$ 2,434.25**

LOOKING FORWARD TO SHOWING YOU  
WHAT WE ARE WORKING ON ~ SEE  
YOU THURSDAY.  
h-